

REMARKS

The Office has required restriction as follows:

- Group I: Claims 1-8 and 18, drawn to polynucleotides encoding a UMP kinase, vectors and host cells comprising said polynucleotides and methods of expressing said polynucleotides;
- Group II: Claims 9 and 11, drawn to methods of assaying said kinase using GTP;
- Group III: Claims 10 and 11, drawn to methods of assaying UMP kinase using UTP;
- Group IV: Claims 12-14, drawn to methods of modulating said kinase;
- Group V: Claim 15, drawn to methods of screening for modulators of said kinase;
- Group VI: Claims 16-17, drawn to modulators of said kinase.

Applicants elect, with traverse, Group I, Claims 1-8 and 18, drawn to polynucleotides encoding a UMP kinase, vectors and host cells comprising said polynucleotides and methods of expressing said polynucleotides.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the Restriction Requirement on the grounds that adequate reasons and/or examples have not been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims. This is particularly true since the proteins encoded by the elected polynucleotides can be assayed/detected according to the methods of Claims 9-17.

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Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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